

REMARKS

An Excess Claim Fee is submitted herewith for one (1) excess independent claim and eight (8) excess dependent claims.

Claims 1-28 are all the claims presently pending in the application. Claims 1, 2, 5, 7-9, and 13-19 stand rejected on prior art grounds and claims 15-20 stand rejected for informalities. Applicant gratefully acknowledges the Examiner's indication claims 3-4, 6, 10-12, and 20 would be allowable if rewritten in independent form. This Amendment amends claims 15 and 19 and adds claims 21-28.

It is noted that the claim amendments are made to merely clarify the language of each claim, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Regarding the rejection for informalities, claims 15-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Regarding the prior art rejections, claims 1, 5, 7, 13-15, and 17-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Derleth et al (U.S. Pat. No. 6,234,659), Claims 1-2, 5, 7-8, and 13-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lindberg et al (U.S. Pat. No. 6,073,987), and claims 7 and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lorenz et al (U.S. Pat. No. 4,733,739).

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and defined in claim 1, is directed to a blower unit mounting structure that includes an instrument panel including an upper panel and a lower panel that are vertically divided along a transverse direction of a vehicle body. The invention further includes at least a steering support beam and a blower unit assembled to the lower panel to form a unitized component. The unitized component is mounted on the vehicle body before the upper panel is mounted on the vehicle body.

With a conventional device, it is difficult to mount the blower unit to the front bulkhead and the toe board in a narrow passenger compartment with a long steering support beam that has been mounted on the vehicle body. In particular, when fastening the blower unit to the toe board, the mechanic is forced to do the fastening work from below the steering support beam with a uncomfortable posture. This work may lead to a risk that a mounting accuracy of the blower unit is deteriorated. In addition, it becomes difficult to fasten the blower unit, which has been so fastened with poor mounting accuracy, to the instrument panel. This work also may lead to a further risk that the mounting workability is deteriorated.

However, in the present invention, these problems are overcome by providing at least the steering support beam and the blower unit that are assembled to the lower panel to form a unitized component. The unitized component is then mounted on the vehicle body before the upper panel is mounted on the vehicle body.

II. THE 35 U.S.C. §112, SECOND PARAGRAPH REJECTION

The Examiner asserts that claim 15-20 of Applicant's invention are rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claims 15 and 19 have been amended to overcome the Examiner's rejection. Specifically, in claim 15, line 2, "a blower unit" has been amended to recite "the blower unit," and in line 5 "a vehicle body" has been amended to recite "the vehicle body." Further, in claim 19 "a vehicle body" has been amended to recite "the vehicle body."

The rejections to claims 16 and 20 are also overcome with the amendments to claims 15. Therefore, Examiner is respectfully requested to reconsider and withdraw this rejection.

III. THE PRIOR ART REJECTIONS

THE DERLETH REFERENCE

Regarding the rejection to claims 1, 5, 7, 13-15, and 17-19, the Examiner alleges that the Figures from Derleth anticipate the claimed invention. Specifically, the Examiner alleges that Derleth discloses a "steering support beam" 72 and a "blower unit" 20 assembled to form a "unitized component" wherein the component is mounted on the vehicle body, as described in claims 1 and 7 and substantially in method claims 5 and 15. Applicant traverses this rejection and asserts that Derleth fails to teach or suggest "at least a steering support beam and a blower unit assembled to the lower panel to form a unitized component," as recited in claim 1 (emphasis Applicant's).

First, Derleth fails to teach or suggest a "steering support beam," in the context of the claims. The Examiner has analogized part 72 of Derleth to the steering support beam of the claimed invention. However, part 72 is described as a "crossmember 72, which extends through the air-conditioning system 20" that is attached to holder 70 (Derleth, col. 5, lines 25-30).

Further, crossmember 72 “has a means 92 for fastening of instruments 94, such as a speedometer, tank indicator, or the like, and for attaching an outer tube 96 of a steering system (Derleth col. 5, lines 47-52). Derleth describes crossmember 72 as supported by crossmember holder 70 and merely has a “means for attaching . . . an outer tube 96.” There is no disclosure or suggestion that “attaching” is the same as “structurally supporting” a steering system in the claimed invention, which would be required before a meaningful comparison could be made between Derleth and the claimed steering support beam. These are simply two different techniques and concepts. Indeed, tube 96 is described as one of the “functional components” of the subassembly 10 and not as a structural component (Derleth, col. 5, lines 54-55). The claimed structure and its function are clearly different from Derleth.

Secondly, the Examiner further alleges that crossmember beam 72 and air conditioning system 20 are assembled to decorative part 98 to form a “unitized component” in the context of the claims.

However, Derleth has no teaching or suggestion of “at least a steering support beam and a blower unit assembled to the lower panel to form a unitized component,” as recited in claim 1. Instead, crossmember 72 is described in Derleth as comprising part of the “T-shaped structural member 14 . . . fixed to the A columns of the motor vehicle by fastening shoes 74” (col. 5, lines 25-29) and connected to a vehicle floor (col. 5, line 33). Further, the housing 19 of air-conditioning system 20 and the duct component 16 are “injection-molded in one piece with the first housing part 18,” and “form the center console of T-shaped structural unit 14,” (Derleth, col. 5, lines 20-30). Therefore, as illustrated in Derleth Figure 1, crossmember 72 and air conditioner 20 are assembled to T-shaped structural unit 14, not to decorative part 98 (what the Examiner analogizes to the “lower panel” of the claimed invention).

Further, decorative part 98 is not a “structure” for mounting the blower upon, as required by the claims (e.g., the preamble to the claims recites “a blower unit mounting structure”). Indeed, part 98 is described as a “decorative part 98, which covers the center console formed by the housing of the air-conditioning system 20” and is “designed to be visually pleasing and correspond to a preferred design” (col. 5, lines 60-65). There is absolutely no disclosure that decorative part 98 has the air conditioning system 20 and crossmember 72 thereon.

As is clear, air conditioning system 20 and crossmember 72 are assembled to T-shaped structural unit 14. Decorative part 98 plays no role in structurally supporting the blower and steering support members. Therefore, decorative part 98 cannot be a “lower panel to form a unitized component” as recited in claim 1.

Further, Derleth clearly does not teach or suggest mounting the unitized component to the vehicle body separately from mounting the upper panel to the vehicle body, as described in the claims (e.g. “wherein the unitized component is mounted on the vehicle body before the upper panel is mounted on the vehicle body” in claim 1). The Examiner has noted that a patentability of a product does not depend on its process. However, the fact that two separate members, a unitized component, and an upper panel are mounted as separate components to a vehicle body, must be considered for patentability.

It is an important aspect of the present invention to mount the unitized component separately from the upper panel onto the vehicle body. The workability and accuracy of mounting duct 22 of blower main body 15 to opening 31 of front bulkhead 9 is improved. The positioning of duct 22 relative to opening 31 and mounting of the duct 22 to the front

bulkhead 9 can be implemented with ease while observing from the upper portion side of lower panel 13, thereby improving workability and accuracy (Application, p. 11, lines 5-16).

Further, since the fixing work of the blower unit 7 to vehicle body 1 can be implemented only from the upper portion side of the lower panel 13, the necessity of doing the bolt fastening work with the uncomfortable posture of the mechanic is obviated (Application, p. 12, lines 3-8). Additionally, the steering support beam 5 and the blower unit 7 can be mounted onto lower panel 13 at a location outside of the vehicle where accuracy in mounting can be improved. Further, since the steering support beam 5 is mounted on the lower panel 13 prior to mounting on the vehicle body 1, the gap between the components is minimized and mounting accuracy and space efficiency is improved (Application, p. 10, line 20 - p. 11, line 4).

Figure 3 of Derleth illustrates a completely assembled dashboard and instrument panel, which is “a fully functional and checked cockpit, including all of the functional components,” (Derleth, col. 3, lines 60-61). Therefore, there is no teaching or suggestion of “the unitized component is mounted on the vehicle body before the upper panel is mounted on the vehicle body” as recited in claim 1.

Further, the method of “forming a unitized component by assembling at least a steering support beam and a blower unit to the lower panel; mounting the unitized component on the vehicle body; and mounting the upper panel to the vehicle body” as recited in claim 5, and substantially in claim 15, is clearly not taught or suggested by Derleth (emphasis Applicant’s). Derleth, Figure 3, illustrates an assemblage of all structures as one unit prior to installation in a vehicle. However, as stated herein, the claimed invention requires mounting the unitized component prior to, and separately from, mounting the upper panel to the vehicle

body.

Thus, claims 1, 5, 7, 13-15, and 17-19 are patentable over Derleth.

THE LINDBERG REFERENCE

Regarding the rejection to claims 1-2, 5, 7-8, and 13-19, the Examiner alleges that Figure 13 of Lindberg anticipates the claimed invention. However, Applicant traverses the rejection and asserts that Lindberg fails to teach or suggest “at least a steering support beam and a blower unit assembled to the lower panel to form a unitized component,” as described in claim 1 (emphasis Applicant’s).

In Lindberg, steering support 50 and steering column assembly 52 are attached to wall 172 and wall 40 (col. 10, lines 30-35; Figs. 2 and 10). There is no teaching or suggestion of assembling support 50 to decorative bezel 256 and knee bolster 258 (what the Examiner analogizes to the claimed lower panel). Further, there is no teaching or suggestion that blower assembly 56 is assembled to decorative bezel 256 and knee bolster 258. On the contrary, “blower assembly 56 is mounted to the base module 32,” (see Lindberg, col. 6, lines 34-35).

Further, the alleged “lower panel 256, 258” is not a “structure” for mounting the blower upon and steering support column to, as required by the claims (e.g. “the preamble to the claims recites a “blower unit mounting structure”). Indeed, member 256 is described as a “bezel 256 . . . a decorative trim for the instrument cluster 228” and member 258 is described as “a knee bolster 258 attached to rear duct assemblies,” (Lindberg, col. 10, lines 5-12). These members 256 and 258 do not form a “lower panel” having the structure and interconnection defined by independent claim 1.

As is clear, blower 56 and steering support column 50 are not assembled to members 258,258 to form a “unitized component.” Decorative parts 256 and 258 play no role in structurally supporting the blower and steering support members to form such a unit and therefore cannot be analogized to a “lower panel to form a unitized component,” that is “mounted on the vehicle body before the upper panel is mounted on the vehicle body,” as recited in claim 1 (emphasis Applicant’s).

Further, Lindberg clearly does not teach or suggest mounting the unitized component to the vehicle body separately from mounting the upper panel to the vehicle body, as described in the claims. Figure 20 of Lindberg illustrates the complete instrument panel assembly prior to installation in a vehicle. The Examiner has noted that a patentability of a product does not depend on its process. However, as stated above, the fact that two separate elements, a unitized component and an upper panel, are mounted as separate components to the vehicle body must be considered for patentability.

Therefore, Applicant asserts that there is no teaching or suggestion of “the unitized component is mounted on the vehicle body before the upper panel is mounted on the vehicle body” as recited in claim 1 and substantially in claim 7. Further, the method of “forming a unitized component by assembling at least a steering support beam and a blower unit to the lower panel; mounting the unitized component on the vehicle body; and mounting the upper panel to the vehicle body” as recited in claim 5, and substantially in claim 15, is clearly not taught or suggested by Lindberg (emphasis Applicant’s).

Thus, turning to the exemplary language of claim 1 (and substantially in claim 7 and method claims 5 and 15), there is no teaching or suggestion of

[a] blower unit mounting structure comprising:

an instrument panel including an upper panel and a lower panel that are vertically divided along a transverse direction of a vehicle body; and

at least a steering support beam and a blower unit assembled to the lower panel to form a unitized component,

wherein the unitized component is mounted on the vehicle body before the upper panel is mounted on the vehicle body,” (emphasis Applicant’s).

Thus, claims 1-2, 5, 7-8, and 13-19 are patentable over Lindberg.

THE LORENZ REFERENCE

Regarding the rejections to claims 7 and 9, the Examiner alleges the Figures in Lorenz disclose a “steering support beam” 43 and a “blower unit” 17 assembled to a “lower panel” 3 to form a unitized component, wherein the component is mounted on the vehicle body. However, Lorenz fails to teach or suggest “the support beam and the blower unit are assembled to the second panel to form a unitary component,” as recited in claim 7 (emphasis Applicant’s).

First, Lorenz fails to teach or suggest a “blower unit . . . assembled to the second panel,” as recited in claim 7. Indeed, Lorenz discloses that “[i]n the central support part 2 . . . a blower casing lower part is formed at 17,” (see Lorenz, col. 5, lines 10-15) (emphasis Applicant’s). Lorenz also illustrates blower casing lower part 17 and covers 4 and 4' attached to support part 2 (see Lorenz, Figure 1). Clearly, blower casing 17 is attached to central support part 2, not lower support part 3.

Further, pedal steering block 43 (that the Examiner analogizes to the claimed steering support beam) is connected to parts 2 and 3 joined together (see Lorenz, col. 5, lines 60-65).

The joined parts 2 and 3 form one “structural member,” (Lorenz, col. 7, lines 7-10). Clearly, Lorenz fails to teach or suggest a steering support column and blower unit assembled to a second panel as a “unitary component,” as recited in claim 7.

Indeed, prior to mounting into a vehicle, Lorenz’ device consists of “the structural member formed by the two assembled components” which is “inserted fully completed into the bodywork structure,” (col. 7, lines 6-10). In the claimed invention, however, “the support beam and the blower unit are assembled to the second panel to form a unitary component prior to mounting the second panel onto a vehicle body,” as recited in claim 7 (emphasis Applicant’s). In other words, the claimed unitary component only includes one panel (e.g., the second panel), whereas Lorenz’ device inserts “the structure member,” including central support part 2 and lower support part 3, into the car as a single unit.

Thus, turning to the exemplary language of claim 7, we propose that there is no teaching or suggestion of *[a] blower unit mounting structure comprising:*

an instrument panel including a first panel and a second panel;

a support beam; and

a blower unit,

wherein the support beam and the blower unit are assembled to the second panel to form a unitary component prior to mounting the second panel onto a vehicle body,”
(emphasis Applicant’s).

Thus, claims 7 and 9 are patentable over Lorenz.

Therefore, for at least the reasons stated above, Applicant submits to the Examiner that Derleth fails to teach or suggest every feature of claims 1, 5, 7, 13-15, and 17-19; Lindberg fails to teach or suggest every feature of claims 1-2, 5, 7-8, and 13-19; and Lorenz

fails to teach or suggest claims 7 and 9. Therefore, claims 1-28 are fully patentable over the cited references.

Based on the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

IV. FORMAL MATTERS AND CONCLUSION

Claims 15 and 19 have been amended to overcome the Examiner's objection for informalities.

In view of the foregoing, Applicants submit that claims 1-28, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

10/076,346
F05-138810M/ARK

19

The Commissioner us hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



Kendal M. Sheets
Reg. No. 47,077

Sean M. McGinn
Reg. No. 34,386

Date: 6/30/03
McGinn & Gibb, PLLC
Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No.: 21254'